

THE HISPANIC BAR ASSOCIATION
PRESENTS



Sun, Surf & Seminars

March 23 & 24, 2000

San Juan, Puerto Rico



THESE SEMINARS MADE POSSIBLE BY
THE GENEROSITY OF

THE HISPANIC BAR FOUNDATION OF
NEW JERSEY

BANCO POPULAR

AND

PITNEY, HARDIN, KIPP & SZUCH LLP

THE HISPANIC BAR ASSOCIATION OF NEW JERSEY PRESENTS
SUN, SURF, AND SEMINARS IN SAN JUAN
AT THE SAN JUAN GRAND CASINO AND RESORT

Thursday, March 23, 2000

8:30 – 9:30 (The Caribbean Ballroom) Registration and Continental Breakfast (\$40 for members; \$60 for non-members)

9:30 – 11:00 Business Development in the Caribbean and Latin America
Speakers: Jose Nieto, Esq.

11:00 – 12:30 Elder Law and Finance Seminar
Speakers : Lourdes Santiago, Esq.
Sharon Rivenson Mark, Esq.
Mark & Santiago, P.C.
Jersey City, NJ (201- 309-0002)

12:30 – 2:00 Lunch (not provided)

2:00 – 3:30 Computer Technology Law and Software
Speaker: Francisco J. Rodriguez, Esq.
Goldsmith & Richman, PA
New York City, NY & Englewood Cliffs, NJ
(201) 363-1122

6:00 – 7:30 - Cocktail Reception sponsored by Banco Popular

Friday, March 24, 2000

8:30 – 9:00 (El Yunque Room) Registration and Continental Breakfast

9:00- 10:30 Federal Practice Nuts and Bolts Seminar

Speakers : The Honorable Freda L. Wolfson, U.S. Magistrate
Judge, District of New Jersey

Allyn Z. Lite, Esq.
Lite DePalma Greenberg & Rivas, LLC
Newark, NJ (973) 623-3000

10:30 – 12:00 Racial Profiling Seminar

Speakers: Alberto Rivas, Esq.
Lite DePalma Greenberg & Rivas, LLC
Newark, NJ (973) 623-3000

P. Jeffrey Wintner, Esq.
Deputy Public Defender, NJ

12:00 - 2:00 Closing Luncheon

Speaker: The Honorable Juan R. Torruella
Chief Justice of the First Circuit Court of Appeals

**BUSINESS DEVELOPMENT IN THE CARIBBEAN
AND LATIN AMERICA – by McConnell Valdes**

THE CARIBBEAN AND LATIN AMERICA TODAY

Speaker: Jose L. Nieto, Esq., special counsel in the Corporate Department of McConnell Valdes and Head of the firm's Cuba Task Force.

BUSINESS STRATEGIES FOR DIFFERENT CULTURES

Speaker: Fernando Caratini, CPA, President and CEO of McConnell Valdes Consulting, Inc.

PROTECTING AND EXPLOITING INTELLECTUAL PROPERTY RIGHTS

Speaker: Dora M. Penagaricano, Esq., partner in the Litigation Department of McConnell Valdes and Head of the firm's Intellectual Property Practice Group

DISTRIBUTION AND FRANCHISING ISSUES

Speaker: Ana Matilde Nin-Torregrosa, Esq., partner in the Litigation Department of McConnell Valdes and Head of the firm's Distribution and Franchising Practice Group.

PROFESSIONAL PROFILES

JOSÉ L. NIETO

José L. Nieto is a Special Counsel of the Corporate Department of McConnell Valdés with ample experience in civil litigation, corporate transactions and project finance. Mr. Nieto obtained an A.B. in History from Washington University, St. Louis in 1986, a Juris Doctor, *magna cum laude*, from the University of Puerto Rico School of Law in 1989 and a Masters of Laws from Harvard Law School in 1991. While at the University of Puerto Rico, he was the Editor-In-Chief of the University of Puerto Rico Law Review and received the Manuel Rodríguez Ramos, Dean Emeritus Award. He was a law clerk for Associate Justice Federico Hernández Denton, of the Supreme Court of Puerto Rico, and Circuit Judge Levin H. Campbell, of the United States Court of Appeals for the First Circuit in Boston, Massachusetts.

Mr. Nieto is admitted to practice in the Commonwealth of Puerto Rico, the United States District Court for the District of Puerto Rico, United States Court of Appeals for the First Circuit, the United States Court of Appeals for the Federal Circuit, Massachusetts, and Washington D.C. He is also an adjunct professor of law at the University of Puerto Rico.

Before joining McConnell Valdés, Mr. Nieto was an associate in the Washington D.C. Office of New York's Skadden, Arps, Slate, Meagher & Flom, concentrating in the development and financing of electric generating facilities throughout the United States, South America and the Caribbean.

FERNANDO L. CARATINI, CPA

Fernando L. Caratini, is the President and CEO of McConnell Valdés Consulting, Inc. ("Consulting"), an affiliate of the McConnell Valdés Law Firm. Mr. Caratini has over 16 years experience dealing with all aspects of individual and expatriate income taxation and U.S. and P.R. estate and gift tax matters and chairs the Estate Tax Planning division of Consulting and provides support to the Firm. He joined Consulting in 1998 and previously worked as Regional Director of Price Waterhouse Coopers in-charge of the Executive Services division for Latin America, South Florida and the Caribbean. Mr. Caratini graduated from the University of Florida with a B.S. in Accounting and a minor in Economics and obtained his CPA certification in 1983.

DORA M. PEÑAGARÍCANO

Dora M. Peñagaricano is a partner in the Litigation Department of McConnell Valdés and Head of the firm's Intellectual Property Practice Group. She obtained a Bachelor of Arts, *cum laude*, from Georgetown University and a Juris Doctor, *magna cum laude*, from the Law School of the University of Puerto Rico. Before joining McConnell Valdés, Ms. Peñagaricano was a law clerk to the Hon. Wilfredo Alicea López, the Hon. Pedro López Oliver, and to the Hon. Arnaldo López Rodríguez, Extraordinary Writs Section of the Superior Court of Puerto Rico,

San Juan Part. She has vast experience in intellectual property, bankruptcy, securities and commercial litigation.

Ms. Peñagaricano is admitted to practice in the Commonwealth of Puerto Rico, the United States Supreme Court, the United States Court of Appeals for the First Circuit and the United States District Court for the District of Puerto Rico. She is a member of the Puerto Rico Bar Association, the Federal Bar Association, and the Puerto Rico Bankruptcy Bar Association.

ANA MTAILDE NIN-TORREGROSA

Ana Matilde Nin-Torregrosa is a partner in the Litigation Department of McConnell Valdés and chairs the firm's Distribution and Franchising Practice Group. She joined the firm in 1981, after three years in private practice. Ms. Nin-Torregrosa obtained a Bachelors of Arts, magna cum laude, from Sacred Heart University. She was first in her graduating class. She obtained a Juris Doctor, magna cum laude, from the University of Puerto Rico, where she ranked third in the class. She was a member of the Law Review, and was founder and editor of its monthly publication, "Entredicho." She also authored "Commentaries of Three Constitutional Cases from the Supreme Court of Puerto Rico", 46 Revista Jurídica de la Universidad de Puerto Rico, 1977.

Ms. Nin-Torregrosa practices commercial litigation, mainly in the areas of constitutional and administrative law, antitrust, price regulation, commercial contract disputes and distribution and representation law. She has given advice in relation to special laws governing distribution relations in Central and South America. She is admitted to practice in the Commonwealth of Puerto Rico, the United States District Court for the District of Puerto Rico, the United States Supreme Court, the United States Court of Appeals for the First Circuit, and the United States Court of Appeals for the District of Columbia Circuit. She also practiced before the former United States Temporary Emergency Court of Appeals (the appellate court for energy matters) and the United States Claims Court.

Ms. Nin-Torregrosa is a member of the American Bar Association (Franchising, Litigation and Antitrust sections); the Federal Bar Association, the Association of Trial Lawyers of America, and the Puerto Rico Bar Association, where she served as member and secretary of its 1993 Special Commission on Civil Procedure. She was also in the drafting committee of the Puerto Rico Bar Exam for several years, by appointment of the Puerto Rico Supreme Court.

THE BASICS OF ELDER LAW

Mark & Santiago, P.C.
30 Montgomery Street, Suite 1502
P.O. Box 387
Jersey City, New Jersey 07303-0387
Telephone (201) 309-M2
Facsimile (201) 309-1208

Presented by: Sharon Rivenson Mark, Esq.
Moderated by: Lourdes I. Santiago, Esq.

I. OVERVIEW OF ELDER LAW

- A. What is Elder Law?
- B. Providing for Incapacity
- C. Planning for Health Care Needs
- D. Estate and Asset Preservation Planning

II. ETHICAL CONSIDERATION IN PROVIDING LEGAL SERVICES FOR THE ELDERLY

- A. Overview
- B. Codes of Professional Conduct and Responsibility
- C. Assessment of Capacity of Client
- D. Consideration of language, cultural and religious issues
- E. Ethical Duties Owing to Clients

III. ELDER ABUSE AND EXPLOITATION

- A. Introduction and Background
- B. The Adult Protective Services Act
- C. Other Legal Remedies

IV. FINANCIAL AND HEALTH CARE POWERS OF ATTORNEY

- A. General considerations regarding power of attorney for property
- B. Health Care Powers of Attorney
- C. Surrogate Decision Making
- D. Pre-Hospital Do Not Resuscitate and Do Not Hospitalize Orders
- E. Advance Directives

V. GUARDIANSHIP OF INCAPACITATED PERSONS

- A. Procedures for determination of incapacity and appointment of guardian
- B. Limited guardianship

- C. Powers, Rights and Duties of Guardian of Person and Estate of Incapacitated Person
- D. Powers and Responsibilities of Guardian of Person of Minor.
- E. Powers, Rights and Duties of Guardian of Incapacitated Person
- F. Substituted Guardian
- G. Termination of Guardianship of Incapacitated Person
- H. Sale or Mortgage of Real Property of Minor or Incapacitated Person
- I. Guardians' Accounts

VI. CONSERVATORSHIPS

- A. Procedures for appointment of conservator
- B. Conservator's Duties
- C. Settlement of Account

VII. SPECIAL MEDICAL GUARDIANSHIPS

- A. Special Medical Guardian - Generally.
- B. Venue; Procedure; Order.

Lourdes L. Santiago, Esq.

Since August 1, 1999, Lourdes I. Santiago has been a partner at the law firm of Mark & Santiago, P.C. in Jersey City where she concentrates her practice in the areas of Immigration Law & Elder Law. Previously and since July, 1990, Santiago, had been a partner in the law firm of Korona, Beides, Eaton, Mark & Santiago, P.A. also in Jersey City. She is a graduate of Rutgers University School of Law, Newark, New Jersey where she received her Juris Doctor degree. She was admitted to the Bar of the State of New Jersey in 1984. She completed her undergraduate degree in Sociology with a Teacher Certification at Douglass College in New Brunswick. She is a graduate of James J. Ferris High School and a graduate of Public School No. 5 in Jersey City. She was born in Aibonito, Puerto Rico and came to the U.S. at the age of six.

Currently the Vice-President of External Affairs of the Hispanic National Bar Association, Lourdes I. Santiago served as Regional President of the HNBA from 1998 - 1999. She is also Past-President of the Hispanic Bar Association of New Jersey. Lourdes L. Santiago has been the recipient of many awards and recognition citations. Most recently, she was the recipient of the 1999 Jersey City Hispanic Heritage Award as the Hispanic Lawyer of the Year; the 1997 Congresswoman Mary T. Norton Memorial Award of Excellence presented by Hudson County United Way and recipient of an award for Outstanding Achievement in the Legal Field by Aspira, Inc. Of New Jersey.

During the past year, she was a guest columnist with the Hudson Reporter of West New York and Union City, where she authored a weekly column on Immigration law. In the media, Lourdes has been most active previously appearing on WWOR-TV, and most recently appearing in a production of *Hispanic Horizons* on immigration; NJN-TV, NBC: The Today Show, the New Jersey Network "Profile on Immigration Law." While most of her media coverage has been focused on immigration law and policy, she has also presented on issues of diversity, affirmative action, Latinos in the legal profession and battered women.

Presentations and public speaking include 1997 Rutgers Law School Symposium on Immigration Law, Seton Hall University School Of Law, Center for Social Justice; Barnard College, The Scholar and the Feminist - woman, work and the family in the changing economy; Channel 13- WNET, Presenter, third annual "Reach for the Stars" youth event and New Jersey Networks production of Dialogue on Diversity.

Her professional appointments have included an appointment to the Supreme Court Task Force on Minority Concerns in 1994, with a second term appointment in 1996 to 1998. She served for over four years as a panel member of the Fee Arbitration Committee in Hudson County. Most recently she was reappointed to a second term as a Trustee to the New Jersey State Bar Foundation; and continues to serve on the Executive Committee of the General Council of the New Jersey State Bar Association; and the Nominations Committee. She currently serves as a Trustee on the New Jersey Hispanic Bar Foundation-

On education issues, for the last five years, she served as a member of the New Jersey Higher Education Assistance Authority and served as a member of the Board of Trustees

at Hudson County Community College from 1992 - 1997. She serves and has served on many boards including as past Chair of the Board of Directors of the Center for Immigrants Rights in New York; the National Network for Immigrants & Refugee Rights and is an active member of the American Immigration Lawyers Association and other organizations. In 1998 she was inducted as a charter member of the Hall of Fame of James J. Ferris High School, her alma water.

SHARON RIVENSON MARK, is a partner in the law firm of Mark & Santiago, P.C. located at 30 Montgomery Street, Suite 1502, Jersey City, New Jersey. The law firm concentrates its practice in elder law and immigration. Ms. Rivenson Mark is Certified as an Elder Law Attorney by the American Bar Association approved National Elder Law Foundation and concentrates her practice in elder law, including guardianship, conservatorship and estate litigation and administration, nursing home, Medicaid and Medicare law and estate planning. She has served as Court-Appointed Attorney, Guardian-Ad-Litem, Guardian, Conservator and Administrator of Estates, as well as counsel for those serving in such capacities. She has authored legal publications and articles on elder law, guardianship, conservatorship and estate administration practice and has lectures on elder law issues.

Ms. Rivenson Mark is a member of the National Academy of Elder Law Attorneys, the New Jersey State Bar Association, the Hudson County Bar Association, and the Guardianship Association of New Jersey. She is Secretary of the Elder Law Section of the New Jersey State Bar Association, is on the Board of Directors of the Guardianship Association of New Jersey and is on the Elder Law Committee of the Hudson County Bar Association. She represents the Elder Law Section of the New Jersey State Bar Association on the Statewide Executive Council on Guardianship, a coalition of private and public groups addressing guardianship practice, law and policy.

Computer Technology Law and Software

Francisco J. Rodriguez, Esq.
Goldsmith & Richman, P.C.
140 Sylvan Avenue
Englewood Cliffs, NJ 07632
(201) 363-1122

1. Law firm web sites

- a. Should your firm have one?
- b. The purpose of having a web site.
- c. Expenses and mechanics of developing your own web site.
- d. Steering clear of ethics violations with web site content.

2. Law office management software

- a. Purpose.
- b. Resistance to change amongst staff.
- c. Training.
- d. Litigation packages.
- e. Transactional packages.
- f. Features.
- g. Packages to avoid.

3. Internet E-mail for your office.

- a. Internet e-mail for attorneys.
- b. Internet e-mail for support staff.
- c. Privacy issues with regard to e-mail and protecting client confidentiality.

4. Using the Internet to obtain demonstrative evidence

- a. Visible Human Project
(http://www.nlm.nih.gov/research/visible/visible_human.html)
- b. Visible Human Female (<http://www.uchsc.edu/sm/chs/browse/browse.htm>)

- c. Digital Anatomist Program (<http://www9.biostr.washington.edu/da.html>)
- d. Whole Brain Atlas (<http://www.med.harvard.edu/AANLIB/home.html>)
- e. Southern California Orthopedic Institute (<http://www.scoi.com/>)
- f. Virtual Anatomy Project (<http://www.vis.colostate.edu/library/gva/gva.html>)
- g. Correlative Anatomy Demonstration
(http://www.mir.wustl.edu/visible_human/atlas.HTML)
- h. Visible Human cross sections
(http://www.meddean.luc.edu/lumen/MedEd/GrossAnatomy/cross_section/index.html
)
- i. American Academy of Ophthalmology (<http://www.eyenet.org/>)
- j. Infotrieve Free Medline (<http://www3.infotrieve.com/medline/infotrieve/>)

Francisco J. Rodriguez is an associate with the offices of Goldsmith & Richman, a law firm with a practice limited to medical negligence, health care law and Federal Tort Claims Act matters, with offices in New York City and Englewood Cliffs, New Jersey.

Mr. Rodriguez concentrates on medical negligence and Federal Tort Claims Act matters and is admitted to the New York and New Jersey bars. His published works include "Using the Internet to Win Your Next Medical Negligence Case" with Howard S. Richman, published in the September 1996 issue of the ATLA Professional Negligence Law Reporter; "A Lawyer's Battles with the HMOs", published in The Verdict in the April 1998; Medical Malpractice, in General Practice in New York (West 1998) with Lee S. Goldsmith, M.D.; and Automobile Insurance Reform: A Wolf in Sheep's Clothing, published in The Verdict January 1999.

Mr. Rodriguez received his undergraduate degree from Rutgers College and his law degree from New York University School of Law, where he was the Executive Editor of the Review of Law and Social Change.

FEDERAL PRACTICE: NUTS & BOLTS

Honorable Freda L. Wolfson
United States Magistrate Judge
Allyn Z. Lite, Esq.
Lite, DePalma, Greenberg & Rivas, LLC

March 24, 2000

1. Subject Matter Jurisdiction
2. 28 U.S.C. §1331: Federal Question
3. 28 U.S.C. §1332: Diversity of Citizenship; Amount of Controversy; Costs
4. 28 U.S.C. §1367: Supplemental Jurisdiction
5. Federal Rule of Civil Procedure 8: General Rules of Pleading
6. Civil Cover Sheet
7. Federal Rule of Civil Procedure 4: Summons
8. Local Rule 5.1 Service and Filing of Pleadings and Other Papers
9. Notice of Lawsuit and request for Waiver of Service of Summons
10. 28 U.S.C. §1441: Actions Removable Generally
11. Federal Tort Claims Act
12. 28 U.S.C. §1442: Federal Offices Sued or Prosecuted
13. 28 U.S.C. §1443: Civil Rights Cases
14. 28 U.S.C. §1447: Procedure After Removal Generally
15. Federal Rule of Civil Procedure 12: Defenses and Objections – When and How Presented – By Pleading or Motion – Motion for Judgment on the Pleadings
16. Local Rule 7.1 and Appendix N: Applications; Motions and Arguments
17. Local Rule 7.2 Affidavits and Briefs

18. Federal Rule of Civil Procedure 26: General Provisions Governing Discovery; Duty of Disclosure
19. Local Rule 26.1: Discovery
20. Confidentiality Orders
21. Local Rule 16.1 Case: Management
22. Pretrial Scheduling Order
23. Experts
24. Local Rule 201.1 and Arbitration Guidelines: Arbitration
25. Local Rule 301.1 and Mediation Guidelines: Mediation

ALLYN Z. LITE specializes in commercial and class action litigation. He was designated by the Judges of the United States District Court for the District of New Jersey as Clerk of that court from 1982 to 1986. While in that position, Mr. Lite created the Court's alternative dispute resolution program and served on and was Reporter for the committee that drafted the current Local Rules of the United States District Court for New Jersey. He was a member of the committee that drafted the new Rules of the United States Bankruptcy Court for the District of New Jersey, and participated as one of ten original members of the United States District Court Lawyer's Advisory Committee, on which he served for 11 years. He is the author of New Jersey Federal Practice Rules (Gann Law Books, 1999), a commentary and annotations to the United States District Court's Local Rules, published annually and cited frequently by the judges of the Court. Mr. Lite also co-authored "Class Action Litigation," New Jersey Federal Civil Procedure (NJLJ 1999).

Mr. Lite served on the Lawyers' Advisory Committee for the United States Court of Appeals for the Third Circuit from 1992 through 1994 and served as a member of the Third Circuit Task Force on Equal Treatment in The Courts, Gender Commission. He has been a Vice President of the Association of the Federal Bar of New Jersey since 1985. Mr. Lite has also been selected to participate as a mediator for the United States District Court pursuant to that Court's plan under the Civil Justice Improvements Act of 1990. As a mediator, Mr. Lite participated in environmental litigation involving the nation's largest Superfund site, and a multi-plaintiff public sector discrimination lawsuit, among others. As counsel to a plaintiff case, Mr. Lite participated in, and resolved, a class action securities litigation through mediation. In addition, Mr. Lite has been an invited guest speaker on New Jersey Network's legal program "Due Process" as well as NBC's program "Extra." Highlights of Mr. Lite's class action cases include; In Re Prudential Insurance Company of America Sales Practice Litigation, 962 F. Supp. 450 (D.N.J. 1997), aff'd 148 F.3d 283 (3d Cir.1998), cert. denied 119 S. Ct. 890 (1999) Wess v. Mercedes Benz of North America, 899 F. Supp 1297 (D.N.J.), aff'd 66 F.3d 314 (3d Cir. 1995); and litigation on behalf of Holocaust survivors against certain industrial companies for claims arising from their use of slaves or forced labor during World War II.

FREDA L. WOLFSON
24 Tall Oaks Drive
North Brunswick, NJ 08902
(908) 821-1310

JUDICIAL AND LEGAL EXPERIENCE

U.S. MAGISTRATE JUDGE – United States District Court
District of New Jersey, Trenton vicinage
United States Court House
402 E. State St., Trenton, New Jersey, 086501
May 1986 to Present

Reappointed by Order of the Honorable John F. Gerry,
Chief Judge of the United States District Court, D.N.J.,
Dated January 10, 1994 (effective May 21, 1994)

Clapp & Eisenberg
One New Center, Newark, New Jersey
Litigation attorney
1981-1986

Lowenstein, Sandler, Kohl, Fisher and Boylan
65 Livingston Avenue, Roseland, New Jersey
Litigation attorney
1979-1981

EDUCATION

Rutgers University School of Law – Newark
J.D. (1979) with Honors

Rutgers Law Review – Editor 1978-1979
Staff 1977-1978

Philip J. Levin Scholar
Teaching Assistant to Prof. Steven Gifis (1978-79)

Research Assistant to Prof. (now)
Judge R. Jane Zuckerman (1977-78)

Douglass College, Rutgers University
B.A. (1976) with High Honors

Phi Beta Kappa

Pi Sigma Alpha – Political Science Honor Society

Undergraduate Fellow – Eagleton Institute of Politics

PROFESSIONAL HONORS

PROFESSIONAL ACHIEVEMENT AWARD

New Jersey State Bar Association –
Young Lawyers Division
(1986-1987)

CERTIFIED ARBITRATOR

United States District Court,
District of New Jersey (1986)

PUBLICATIONS

“Civil Procedure – Jurisdiction – Shaffer v. Heitner –
If International Shoe Fits, Attache It.”
31 Rutgers L.Rev. 308 (1978)

“National Parks and Recreation Act of 1978 –
Pine Barrens of New Jersey 103 N.J.L.J.
135 (Feb. 15, 1979)

Co-Author, Digest of Selected Articles
(Quarterly Column), 10 Real Estate Law
Journal 94 (1981); 10 Real Estate Law
Journal 171 (1981)

“Removal and John Doe Defendants” 2 Federal Bar Journal 4 (1986)

PROFESSIONAL SEMINARS

Panelist: Attorney-Client Privilege
and Work Product Doctrine, Institute of
Continuing Legal Education (1992 and 1993)

Panelist: Discovery Practices Seminar,
New Jersey State Bar Association –
Young Lawyers Division (1987)

Speaker: The Role of the United States Magistrate
Middlesex County Bar Association
Women’s Lawyer Section
(1994)

Speaker: 1995 Federal Practice Update,
Institute of Continuing Legal Education (1995)

Panelist: Eighteenth Annual United States Judicial Conference
for the District of New Jersey – Association of the Federal Bar of
the State of New Jersey (April 1994)

Speaker: Luncheon Seminar on Federal Discovery practice and
Rules of Civil Procedure – Mercer County Bar Association (1996)

Panelist: Discovery – Princeton Bar Association (1996)

Seminar: ABC's of Federal Bar Practice (1997)

Panelist: Twenty-first Annual United States Judicial Conference
for the District of New Jersey – Association of the Federal Bar
of the State of New Jersey (March 1998)

Speaker: Federal Court Rules and Procedure in New Jersey –
National Business Law Institute Seminar (April 1998)

COMMITTEES

New Jersey Supreme Court Committee on
Masters and Hearing Officers (1987-88)

U.S. Court of Appeals Third Circuit Task Force
For Indigent Litigants in Civil Cases (1988)

BAR ADMISSION

State of New Jersey (1979)
United States District Court for the
District of New Jersey (1979)
Third Circuit Court of Appeals (1984)

PERSONAL

Date of Birth: May 20, 1954
Married to the Hon. Douglas K. Wolfson
Children: Brian and Matthew

Racial Profiling Seminar

Speakers: Alberto Rivas, Esq.
Lite DePalma Greenberg & Rivas, LLC
Two Gateway Center
12th Floor
Newark, NJ 07102
(973) 623-3000

P. Jeffrey Winter, Esq.
Deputy Public Defender
State of New Jersey
Eastwood Professional Building
65 Newton Avenue
Woodbury, New Jersey 08096-4608
(856) 853-4188

Title: The Fallout From State v. Soto; Racial Profiling in the New Century

1. State v. Soto
 - A. Description of Case
 - B. Holding
2. Subsequent State Cases
3. Attorney General's Report
4. Federal Consent Decree
 - A. Scope of Decree
 - B. Role of Monitor
5. Predictions for Future

Alberto Rivas**Partner**

E-mail: arivas@ldgrlaw.com

Education

Rutgers University School of Law – Newark, 1985

Princeton University, A.B., 1982

Bar & Court Admissions

New Jersey State and Federal District Courts, 1985

United States Courts of Appeals – Third Circuit, 1999

Practice Areas

Criminal and Civil Litigation

ALBERTO RIVAS served as a law clerk to the Honorable Anne E. Thompson in the United States District Court for the District of New Jersey from 1985 to 1987. He was an Assistant U.S. Attorney in the United States Attorney's Office for the District of New Jersey from 1987 until 1996, the last three years serving as a Deputy Chief in the Criminal Division. As a federal prosecutor he tried over a dozen federal criminal cases, including homicides, extradition matters, healthcare fraud and tax. Mr. Rivas was the lead prosecutor in *In Re Massieu*, *United States v. Pretlaw*, and *United States v. Earl Richmond*. Currently, Mr. Rivas is an Adjunct Professor at Rutgers University School of Law – Newark. He is also a frequent commentator on Court TV. Mr. Rivas has served on various committees, including the Third Circuit Lawyer's Advisory Committee, 2000 - ; the U.S. District Court Lawyer's Advisory Committee, 1995-1997; Board Member, Newark-Essex Legal Services Board, 1993 -; and the Third Circuit Task Force on Equal Treatment in the Courts, Race and Ethnicity Commission 1994-1998. He is the former President, Rutgers University School of Law-Newark Alumni Association, 1995-1996, and a Trustee of the Hispanic Bar Association. Mr. Rivas has served as a guest lecturer for the Association of Criminal Defense Lawyers and the New Jersey Institute for Continuing Legal Education. Mr. Rivas served as the Law Director for the City of Perth Amboy from 1997 to 1999 and is a member of the District V-A of the New Jersey Fee Arbitration Committee. Mr. Rivas is also a member of the Board of Directors for the Hispanic Institute.

P. Jeffrey Wintner
Deputy Public Defender
State of New Jersey
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65 Newton Avenue
Woodbury, New Jersey 08096-4608

Bachelor of Arts
Rutgers University
1969

Juris Doctor
Rutgers University
1972

Bar Admissions
New Jersey – November 1972
Pennsylvania – May 1973 (inactive)

June 1972 to February 1975
Private Practice
Woodbury, New Jersey
Gravino & DeSimone

1975 to 1979
Office of the Public Defender
Deputy Public Defender
Atlantic County Municipal Court Project

1979 to Present
Deputy Public Defender
Gloucester Region
65 Newton Avenue
Woodbury, New Jersey 08096
(609) 853-4188

JUAN R. TORRUELLA

Born in San Juan, Puerto Rico on June 7, 1933.
Married to Judith Wirt, August 11, 1955. Four children

ACADEMIC DATA:

B.S. in Economics, Wharton School of Business and Finance, University of Pennsylvania, 1954
J.D., School of Law, Boston University, 1957
M.P.A., School of Public Administration, University of Puerto Rico, 1984
L.L.M. (Judicial Process), School of Law, University of Virginia, 1984
L.L.D. (Horois Causa), St. John's University, 1995
L.L.D. (Honoris Causa), School of Law, Roger Williams University, 1998
Lecturer, School of Law, University of Puerto Rico

PROFESSIONAL BACKGROUND:

Attorney, National Labor Relations Board, 1957-1959
Private practice of law, 1959-1974
United States District Judge, U.S. District Court for the
District of Puerto Rico, 1974-1984
Chief Judge, U.S. District Court for the District of Puerto Rico, 1982-1984
United States Circuit Judge, U.S. Court of Appeals for the First Circuit, 1984 to Present
Chief Judge, U.S. Court of Appeals for the First Circuit, August 1994 to Present

MEMBER:

Academician, Academia Puertorriquena de Jurisprudencia y Legislación
American Bar Association
Federal Bar Association
Colegia de Abogados de Puerto Rico
Washington, DC Bar Association
Former Member U.S. Judicial Conference Committee on Magistrates
Present Member U.S. Judicial Conference Committee on International Judicial Relations
United States Delegate to the Conference of Chief Justices of The Americas,
Santiago de Chile, Nov. 1994
United States Delegate to the Conference of the Organization of the Supreme Courts of the
Americas, Washington, D.C., Oct. 1995
United States Delegate to the Conference of the Organization of the Supreme Courts of the
Americas, Panama City, Panama, Jan. 1998
Member of the Executive Committee of the Judicial Conference of the United States,
Jan. 1998 to Present

PUBLICATIONS:

The Supreme Court and Puerto Rico: The Doctrine of Separate and Unequal, Editorial Universitaria, San Juan, P.R. (1985).

One Judge's Attempt at a Rational Discussion of the So-Called War on Drugs, in 6 B.U. Pub. Int. L.J. 1 (1996); 14 Yale J. on Reg. 235 (1997); 66 Rev. Jur. U.P.R. 1 (1996).

To Promote and Strengthen Judicial Independence and The Rule of Law in the Hemisphere, 40 St. Louis U. L.J. 969 (1996) (with Michael H. Mihm).

A Dissenting Concurrence: An Opinion About the Bicentennial, Federal Bar Journal, October 1987.

On Judicial Independence, Federal Bar Journal, Dec. 1997.

¿Hacia dónde vas Puerto Rico?, 107 Yale L.J. 1503 (1998) (reviewing José Trias Monge, Puerto Rico: The Trials of the Oldest Colony in the World (1997)).

AWARDS:

Silver Shingle Award, Boston University School of Law, 1985.

500th Anniversary of Discovery of the Americas Medal, 1992.

Olympic Order, International Olympic Committee, 1998.

OTHER ACTIVITIES:

Member, P.R. Olympic Yachting Team (1964, 1968, 1972, 1976, 1984, 1988 Olympic Games).

Silver Medalist, Caribbean Games, 1966 and 1974.

International Judge, International Yacht Racing Union, 1980 to Present.

Puerto Rico Representative, International Technical Committee, Grand Regatta Columbus 1992.

Puerto Rico's Sports Hall of Fame.

Captain, S/V DANZA, 1992 Transatlantic Race, 1993 Labrador Expedition, 1996-97 Cape Horn Expedition.